

Appl. No. 09/808,500
Amdt. Dated March 31, 2004
Reply to Office action of January 8, 2004
Attorney Docket No. P13472-US1
EUS/J/P/04-1084

REMARKS/ARGUMENTS

1.) Non-rejected Claims

In the Detailed Action, although the Examiner stated that claims 20-21, 24-25 and 27 were rejected under 35 U.S.C. §102(e), he did not provide any written reasons for those rejections.¹ Accordingly, the Applicant requests that the Examiner indicate such claims as being allowable or provide specific written reasons for rejection thereof in any subsequent Office Action.

2.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 10-12, 15-16, 18-21, 24-25 and 27² as being anticipated by United States Patent No. 6,388,938 issued to Block, *et al.* Whereas Block fails to disclose each and every limitation of those claims, the Applicant traverses the rejection.

Claim 10 recites:

10. (Previously Presented) A method of monitoring the chargeable activities of a user in a mobile telecommunications network, the method comprising the steps of:

monitoring at least a first condition (C1) and a second condition (C2) on which charging is based;

normalizing said first condition against a first normalizing value (N1) and said second condition against a second normalizing value (N2), said step of normalizing comprising dividing the value of said condition by said normalizing value to yield normalized conditions;

adding said first (C1/N1) and second (C2/N2) normalized conditions to yield a total consumed charging units value; and

¹ In the Office Action, it appears that a portion of text is missing between the bottom of page 4, where the Examiner provides reasons for rejection of claim 19, and the top of page 5.

² Note that no written reasons were given for rejection of claims 20-21, 24-25 and 27.

Appl. No. 09/808,500
Amdt. Dated March 31, 2004
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Attorney Docket No. P13472-US1
EUS/J/P/04-1084

comparing said total consumed charging units value against a charging unit authorization limit. (emphasis added)

The Applicant's invention solves several problems, including i) charging based on two or more conditions, such as voice minutes and bytes of data transmission, and ii) different rates of charging between home and visited networks. The Applicant's invention accomplishes both objectives by monitoring at least a first condition (C1) and a second condition (C2) on which charging is based; the conditions can be associated with, for example, voice call minutes and bytes of data transmission. The first and second conditions are normalized by dividing the value of each condition by a normalizing value (see details at pages 6-7 of the specification). The normalized conditions are then added to yield a total consumed charging units value, which is then compared to a charging unit authorization limit. These elements are not disclosed by Block.

In particular, Block fails to disclose monitoring at least two conditions, normalizing those two conditions, and adding the normalized values to obtain a total consumed charging units value. The Examiner asserts that Block discloses "adding said first (C1/N1) and second (C2/N2) normalized conditions to yield a total consumed charging units value (col. 1 line 27 thru col. 2 line 25, col. 6 line 60 thru col. 7 line 4, and col. 25 lines 25-30)." The only portion of the sections referenced by the Examiner that refer to "adding" anything, however, is at column 6, lines 60-65, which discloses:

The pulses are detected by the Channel Billing Monitor (not shown), and the Processor 60 counts the number of pulses generated from the origination of a call to the end of the call. For example, the Processor 60 deducts the beginning pulse number from the ending pulse number or adds the number of pulses generated. (emphasis added)

Appl. No. 09/808,500
Amdt. Dated March 31, 2004
Reply to Office action of January 8, 2004
Attorney Docket No. P13472-US1
EUS/J/P/04-1064

The pulses being added by the processor relate to a single call, which is analogous, at best, to monitoring a single condition, as that term is used in Applicant's claimed invention. In fact, with respect to the rejection of claim 1, the Examiner concedes as much in stating that Block discloses: "[m]onitoring a [sic] least a first condition (C1) (voice channel) . . . on which charging is based." Furthermore, there is no teaching in Block that the pulses that are added are "normalized." Therefore, the "adding" functionality described in Block is not the same adding functionality used in Applicant's invention for adding first and second normalized conditions to yield a total consumed charging units value. Accordingly, Block fails to anticipate claim 10.

Whereas claim 19 includes limitations analogous to those of claim 10, Block also fails to anticipate claim 19. Furthermore, whereas claims 11-12, 15-16 and 18 are dependent from claim 10, and Claims 20-21, 24-25 and 27 are dependent from claim 19, and include the limitations thereof, those claims are also not anticipated by Block. The Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of claims 10-12, 15-16, 18-21, 24-25 and 27.

3.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 13-14, 17, 22-23 and 26 as being unpatentable over Block in view of Deakin (US 6,463,275). The Applicant traverses the rejection.

As established *supra*, Block fails to anticipate independent claims 10 and 19. Deakin fails to cure the deficiencies of Block. The teachings of Deakin, either alone or in combination with Block, fail to disclose, much less suggest, monitoring at least two conditions, normalizing those two conditions, adding the normalized values to obtain a

Appl. No. 09/808,500
Amdt. Dated March 31, 2004
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Attorney Docket No. P13472-US1
EUS/J/P/04-1064

total consumed charging units value, and comparing the total consumed charging units value against a charging unit authorization limit. Therefore, independent claims 10 and 19, for the same reasons as asserted *supra* with respect to Block, are not obvious over Block in view of Deakin. Thus, whereas claims 13-14 and 17 are dependent from claim 10 and claims 22-23 and 26 are dependent from claim 19, and include the limitations of their respective base claims, those claims are also not obvious over Block in view of Deakin. The Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of claims 13-14, 17, 22-23 and 26.

Appl. No. 09/808,500
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Attorney Docket No. P13472-US1
EUS/J/P/04-1064

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 10-27.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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